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SB 254

CARD CHECK / NEUTRALITY / RECOGNITION REQUIREMENT FOR PRIVATELY CONTRACTED CONTRACTS

BASIC INFORMATION - SB 254

FAQ's

WHAT IS "CARD CHECK"?

Card Check is when a majority of workers sign cards saying they want to be represented by a particular union, the employer can voluntarily choose to recognize the union and bypass formal NLRB (National Labor Relations Board) or BOPA (Board of Personnel Appeals) elections. Although this process is much more simple and democratic than NLRB / BOPA elections, US labor law does not make it mandatory for employers to recognize a union after a successful card check is conducted – this is where "card check neutrality" comes into play...

WHAT IS MEANT BY "CARD CHECK NEUTRALITY"?

Card Check Neutrality means an employer can agree ahead of time to voluntarily recognize any union as soon as a majority of employees sign cards saying they want to join that union. Employers are adopting this process more and more but some employers will obviously not do this unless they are pressured to do so (e.g. by law, community pressure, employee pressure), but it's clearly the most democratic way to run a union election, and it leaves much less space for intimidation and manipulation than the NLRB / BOPA process.

WHAT WILL SB 254 DO?

This bill requires that any future contracts the state has with private businesses include a requirement that the employer agree to neutrality during organizing efforts and a process to check authorization cards as union recognition.

Typically, when state employees organize a union they experience less hostility than in the private sector where often employers adopt a "no holds barred" position with regard to unions. This hostile position forces unions to file 'Unfair Labor Practices' (ULP's) and potentially even go on strike which increases costs related to the contract the burden of which will lie with the state and the states costumers – taxpayers. In addition it saves the state money by not having to move through a bureaucratic election process when a clear majority of employees have indicated a desire to be represented by a union.

This bill requires that in the future, included in any contract with private businesses will be labor recognition process that will not slow services or increases costs due to labor unrest. The employer would agree to abide by all aspects of the law and to recognize employee's right to belong to a union by a card check process.

In the amended form the bill simply allows the state to save resources by requiring the union and the employer agree to a third party to conduct the card check and a secret ballot election. This also forces a higher threshold of support before the union can move forward.

BACKGROUND

Union membership in the United States has been declining for years. Fifty years ago, more than a third of America's workforce (about 35%) belonged to a union. Today, the number of union members is higher, but unions represent less than 8% of American workers in the private sector and just 12.5% of all workers. In an effort to reverse this trend, unions are using new, legal and creative tactics to organize workers. Many unions have recently advocated for card check procedures and neutrality agreements as a means to gain Board (NLRB and / or BOPA) certification. Why? Because, instead of working together to amicably bargain contracts and respect workers while they organize a union, the privately contracted employer can choose not to respect its employees' choice and can force workers to undergo a time-consuming and election process that enables management to intimidate workers and pressure them to abandon their support of the union through a coercive anti-worker campaign.

This is costly for the state and taxpayers, not to mention the private employer and the union. The duplication involves intensive government bureaucracy that is costly. When a strong majority of employees indicate, by signing a card that clearly states their desire for union representation, why does the state spend valuable tax dollars essentially jumping through same loop twice.

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